BEFORE THE HON'BLE DY. DIRECTOR OF PANCHAYATS, NORTH GOA, AT PANAJI, GOA

Revision Application/Petition

No. _____/ 2025

Mr. Govind Shirodkar ...APPLICANT/PETITIONER

v.

The Goa Tourism Development Corporation & Ors ...RESPONDENTS

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Place:
Date: **ADVOCATE FOR APPLICANT**

BEFORE THE HON'BLE DY. DIRECTOR OF

PANCHAYATS, NORTH GOA, AT PANAJI, GOA

Revision Application/Petition

No. _____/ 2025

Mr. Govind Shirodkar,

Son of late Tukaram Shirodkar,

Indian National, age 62 years,

r/o. H. No. 133, Gaulem Bhat,

Chimbel, Tiswadi, Goa

….. Applicant/Petitioner

v/s

1. **The Goa Tourism Development Corporation**,

Through its authorized Signatory,

Having their office at Paryatan Bhavan,

Patto, Panaji, Goa.

2. **The Village Panchayat of Chimbel**,

Through its Secretary,

Having office at Panchayat Ghar,

Chimbel, Ilhas, Goa.

.....Respondents

REVISION UNDER SECTION 201-A (2) OF THE GOA PANCHAYAT RAJ ACT, 1994

MAY IT PLEASE YOUR HONOUR

The Applicant/Petitioner above named most respectfully state and submits as under:

1. Being aggrieved by the impugned Judgement and Order dated 28/11/2025 & 27/11/2025 pronounced by the Ld. Block Development officer of Tiswadi at Panaji, Goa in Appeal No. 201(A)/ 11/2025-26, the Applicant/Petitioner herein is constraint to file this present Revision under Section 201-A (2) of the Goa Panchayat Raj Act,1994 before this Hon'ble Authority to assail the said Judgment & Orders dated 28/11/2025 & 27/11/2025 respectively.

Annexed herein marked at **Annexure- A colly** is the Certified copy of the Judgment and Order dated 28/11/2025 & 27/11/2025.

2. The said decision of the Ld. B.D.O. is impugned in this petition inter alia on the following grounds:

a. The B.D.O. has absolutely no jurisdiction to hear an Appeal under S. 201-A of the Goa Panchayat Raj Act, in respect of matters in which a statutory Appeal is provided for to an entirely different authority [in this case, to the Director of Panchayats under S. 66(7)]. On this ground alone, the order of the Ld. B.D.O. is null est and void ab initio.

b. The impugned order has been passed without due application of mind; is bereft of reasoning; and fails to consider key statutory aspects in arriving at the decision passed therein.

c. The Ld. B.D.O. in the impugned order, in directing for the V.P. to issue a Construction License within 24 hrs and refusing a stay on its judgement frustrates the statutory remedies available in law to challenge the order on merits, and is arbitrary, unreasonable, and without due application of mind.

FACTS PERTAINING TO THE CAUSE:

3. The Applicant/Petitioner states that he is one of the original complainants objecting to the illegal construction of a commercial project known as "*Unity Mall*", proposed on Survey No. 40/1 of Village Chimbel by Respondent No. 1. The Petitioner submits that the said construction was commenced without obtaining a valid Construction License from the Village Panchayat, as mandated under Section 66 of the Goa Panchayat Raj Act, 1994, and is situated in close proximity to a notified wetland i.e. the *Toyaar Lake*. Annexed hereto and marked as **Annexure 1** is the letter of complaint dated 22.09.2025.

4. The Petitioner further states that pursuant to the said complaint, Respondent No. 2 VP issued a Stop Notice cum Order dated 01.10.2025 directing the Goa Tourism Dev. Corporation ie the Respondent No. 1 to immediately halt the ongoing illegal construction activities and to produce valid documents, including permissions, licenses, approved plans, etc. Annexed hereto and marked as **Annexure 2** is

the Stop Notice cum Order dated 01.10.2025 issued by the Respondent No. 2.

5. The Petitioner states that subsequent thereto, Respondent No. 1 filed an application dated 06.10.2025 before Respondent No. 2 seeking the grant of a Construction License. Annexed hereto and marked as **Annexure 3** is the said application dated 06.10.2025.

6. The Petitioner states that although Respondent No. 1 briefly halted construction activities upon receipt of the Stop Notice cum Order, it unlawfully resumed construction on 13.10.2025 by completing the erection of metal sheets and commencing excavation and earthwork at the site, in blatant violation of the said Order.

7. The Petitioner states that a group of villagers known as Chimbel Gram Seva Kala Ani Saunskrutic Manch thereafter instituted PILWP/2732/2025 (F) before this Hon'ble Court, limited to the issue of illegal construction

being undertaken by Respondent No. 1 without a valid Construction License and in disregard of the Stop Notice-cum-Order dated 01.10.2025 issued by Respondent No. 2.

8. The Petitioner states that all illegal construction activities were once again halted after the learned Advocate General made a categorical statement before this Hon'ble Court that no construction activity would commence unless and until a proper Construction License was obtained. Annexed hereto and marked as **Annexure 4** is the Order dated 16.10.2025 pronounced in PILWP/2732/2025 (F) by this Hon'ble High Court of Bombay at Goa.

9. The Petitioner states that on the very same day i.e. 16.10.2025, Respondent No. 2 [V.P. Chimbel] conducted its fortnightly meeting wherein it was unanimously resolved to reject the application for Construction License dated 06.10.2025 submitted by Respondent No. 1. Annexed hereto and marked as **Annexure 5** is the Order of rejection

dated 16.10.2025 issued by the Respondent No. 2.

10. It is this order of the V.P. regarding rejection of the Construction License application which led the project proponent, ie. Goa Tourism Development Corporation Ltd. [The Resp. No. 1 herein] to prefer an Appeal under S. 201-A of the Goa Panchayat Raj Act, 1994, before the Ld. B.D.O. The Petitioner states that the relevant facts of the said Appeal leading to the controversy in the present matter are as follows:

Sr. No.	Sequence of Events	Date and time
1.	Aggrieved by the aforesaid decision of Respondent No. 2, Respondent No. 1 preferred an appeal bearing Appeal No. 201(A)/11/2025-26 under Section 201(A) of the Goa Panchayat Raj Act, 1994, before the Ld. B.D.O.	30.10.2025
2.	First hearing took place. Advocate for the Petitioner undertook to file an application for intervention along with the Vakalatnama.	07.11.2025 at 10:30 am

3.	Respondent No. 1 sought time to file its reply to the appeal, and the Petitioner herein filed an application for intervention.	14.11.2025 at 4:30 pm
4.	The V.P. thereafter filed its reply to the appeal, and the Advocate for the Petitioner herein filed Vakalatnama. The Reply of the V.P. specifically raised the issue of the Appeal not being maintainable before the BDO.	17.11.2025 at 4:30 pm
5.	The Respondent No. 1 filed its reply to the Intervention Application. The Petitioner sought time to consider the said reply and to file a rejoinder, if necessary. However, the Ld. B.D.O. declined to grant any time to the Intervenor and instead proceeded to hear the matter. Arguments were heard, and the **Intervention Application was allowed.** Directions were issued to Respondent No. 1 to implead the Petitioner herein. The matter was accordingly posted for filing of the Petitioner's reply in the appeal on 01.12.2025 at 4:30 p.m. On the very same afternoon, the Advocate for the Petitioner was	21.11.2025 at 10:30 am

	informed telephonically that the Ld. B.D.O. preponed the hearing to 24.11.2025. The Advocate for the Petitioner objected to the said *suo motu* advancement of the hearing on the ground that she was already engaged before another Court on 24.11.2025. Subsequently at 4:30 p.m., the Ld. B.D.O. issued a Notice preponing the hearing, purportedly on account of the "Model Code of Conduct for the Zilla Panchayat Elections likely to be implemented from 25.11.2025." The said Notice was dispatched to the Advocate for the Petitioner via WhatsApp. Annexed hereto and marked as **Annexure 6** is the said Notice dated 21.11.2025.	
6.	The Petitioner appeared in person and sought time to file a reply to the appeal. The Petitioner pleaded with the Ld. B.D.O. to retain the hearing on 01.12.2025, as the said date was mutually convenient for all counsel, and further submitted that, as a matter of natural justice, adequate time ought to be granted to file a reply. However, the Ld. B.D.O. declined the request and instead granted a "last opportunity" to file the reply, adjourning the matter to	24.11.205 at 10:30 am

	26.11.2025 at 9:30 a.m. for reply and arguments on the appeal.	
7.	The Petitioner filed a preliminary reply and sought additional time to file a detailed reply, owing to the limited time granted by the Ld. B.D.O. Respondent No. 1 thereafter filed its written arguments. The said preliminary reply filed by the Petitioner is enclosed as Annexure 6-A. At the instance of Respondent No. 1, the Ld. B.D.O. pressed for final arguments to be advanced immediately. The Petitioner, as well as Respondent No. 2 herein, vehemently objected to the denial of adequate opportunity to the respondents in the appeal to effectively present their case, submitting that such haste violated the principles of natural justice, and that the Appeal was not maintainable under the P.R. Act.	26.11.2025 at 9:30 am

	Notwithstanding the repeated requests to adhere to the principles of natural justice, and despite the objections raised by the Petitioner and Respondent No. 2, the Ld. B.D.O. adjourned the matter to 27.11.2025 at 4:30 p.m. Annexed hereto and marked as **Annexure 7** is the copy of the handwritten Roznama from the beginning of the proceedings until 24.11.2025.	
8.	Respondent No. 2 filed its written arguments, and the matter was thereafter heard extensively until approximately 6:30 p.m. The Ld. B.D.O. without jurisdiction to adjudicate the matter, without proper application of mind and without considering any of the submissions or documents relied upon by the Respondents in that appeal, proceeded to pronounce the operative portion of the impugned order at 6:50 p.m., thereby allowing the appeal and directing Respondent No. 2 herein to issue the Construction License within 24 hours of the pronouncement of the	27.11.2025 at 4:30 pm.

	order. Annexed hereto and marked as **Annexure 8** is the copy of the handwritten Roznama Order dated 27.11.2025. It is pertinent to note that the written judgment was made available to the parties only in the second half of 28.11.2025. Immediately thereafter, Respondent No. 2 filed an Application seeking a Stay of the impugned order. The Ld. B.D.O. initially declined to hear the stay application. However, upon vehement submissions by the Advocates for the Respondents that refusal to hear the stay application would frustrate and render infructuous their statutory rights, the Ld. B.D.O. stepped outside the court premises made a telephonic call, returned with handwritten instructions and proceeded to pronounce an order on the stay application by copying the said handwritten instructions verbatim.	

	Needless to state, the application for stay was rejected. Annexed hereto and marked as **Annexure 9** is the copy of the handwritten Roznama Order dated 27.11.2025 rejecting the application for Stay filed by the Respondent No. 2, pronounced at 7:20 pm.	
9.	Written judgement produced by the Ld. BDO .	28.11.2025 at 5:15 pm.

11. From perusal of the above, the extreme and unreasonable urgency with which the Ld. B.D.O has heard the Appeal before him is writ large and apparent from the record. The Ld. B.D.O, informed the Petitioner that he had postponed all other matters listed before him to February 2026, except for the abovementioned appeal, which he continued to hear and dispose of with undue haste.

12. Despite lacking the jurisdiction to adjudicate the matter, the Ld. B.D.O, proceeded to conduct the proceedings in an extremely improper and irregular manner, and completely

to the tune of the Respondent No. 1. The proceedings were conducted in undue haste, at unusual hours and in utter disregard of the vehement objections raised by the Respondents in the said appeal. The manner in which the proceedings were carried out reflects a complete non-application of mind, extreme prejudiced behaviour and placed the Respondents under unwarranted and substantial pressure.

13. The final decision in the matter was taken on 27.11.2025, but the copy of the order was not made available to the Petitioner at that time - only a copy of the roznama was provided. The operative portion of the order, as recorded in the roznama; is as follows:

> "In view of all the documents on record and taking into consideration the arguments of the parties, the Appeal under Section 201 (A) of the Goa Panchayat Raj Act, 1994 filed by the Appellant is allowed. The Rejection letter dated 16.10.2025 issued by the Village Panchayat of Chimbel Tiswadi is quashed and set aside. **The Panchayat is directed to issue Construction License to the Appellant**

within 24 hours from the date of receipt of this Order. Pronounced in Open Court. No order as to cost given under the seal of this office on this 27th day of November, 2025. Since the Order is pronounced late at 6:50 pm, the typed Order copy and the entire Judgement will be provided to all the parties tomorrow i.e. 28.11.2025, second half of the day." [*emphasis added*]

14. On the said order being pronounced, the Petitioner made an oral request for a stay of the order to pursue legal remedies against it, and the Resp. No. 2 i.e. the Village Panchayat of Chimbel filed a specific application seeking such stay. Both these requests were rejected, and the decision of the Ld. B.D.O. as per the roznama is as follows:

"The abovename Respondent No. 1 filed the application dated 27.11.2025 before this authority praying that in the interest of justice the said judgement and order passed today dated 27.11.2025 be stayed for 30 days in order to avail further legal remedies. Adv. for the Appellant submitted his say/objection that the application is frivolous, no reason stated further this authority has not have power

to stay its own order. This authority is of the opinion that the application filed by the Respondent No. 1 are not maintainable under the Goa Panchayat Raj Act, 1994. Order passed. Hence the application dated 27.11.2025 filed by the Respondent stand dismissed. The Respondent may approach the appropriate authority/appropriate court of law for any relief."

15. In this manner, the Ld. B.D.O. has not only heard and decided the Appeal without jurisdiction; but further; by directing the V.P. of Chimbel to issue a Construction License within 24 hours and without providing a copy of the final order, and refusing a stay of the order, the Ld. B.D.O. has unreasonably and arbitrarily precluded and frustrated the statutory rights of the aggrieved parties to seek remedies against the order.

16. Pursuant to the said order being passed, this Petitioner preferred a Writ Petition No. 3112/2025 [F] before the Hon'ble High Court of Bombay at Goa, assailing the orders

passed by the B.D.O. dt. 27.11.2025. Given the circumstances, the Hon'ble Court was pleased to pass an order deferring the order of the B.D.O. till the next of hearing, i.e. 01.12.2025, and on 01.12.2025, the Court heard the parties on the matter for a while, before posting it for further consideration on 04.12.2025. The relevant orders of the Hon'ble H.C. in this regard dt. 28.11.2025 and 01.12.2025 are enclosed as **Annexure 10 Colly**.

17. During the pendency of the said Writ Petition, on 04.12.2025, the Hon'ble High Court was informed by the counsel for the Village Panchayat of Chimbel, that they had preferred a Revision Application against the order of the BDO; that notice was issued by the Ld. DDP – North; and that the matter was scheduled to be taken up today, ie. 04.12.2025 at 4:00 PM. In light of this subsequent development, and as this Authority was seized of the challenge to the BDO's judgement/orders, the present Petitioner withdrew the said W.P. 3112/2025[F] in the High Court on 04.12.2025 at around 11:00 AM. The order of the

Hon'ble High Court is not yet uploaded as of the time of the filing of this Application, and the Applicant craves leave to produce the same on record once the same is duly uploaded.

18. The Petitioner/Applicant aggrieved by the said Judgment & Orders dated 27/11/2025 & 28/11/2025 passed by the Ld. Block Development officer of Tiswadi at Panaji, prefer the present Revision on the following amongst other grounds which are without prejudice to one another:

GROUNDS

I

That the impugned Judgment & orders dated 27/11/2025 and 28/11/2025 are totally perverse, cryptic and contrary to facts and law.

II

An Appeal under S. 201-A, as per the text of the statute, is available "where no appeal has been specifically provided in

this Act on any miscellaneous matters which is dealt with by the Panchayat or the Village Panchayat Secretary or the Sarpanch." In as far as the decision of the Village Panchayat under S. 66 to reject the Application for a Construction License is concerned, there exists a direct statutory appeal to the Director of Panchayats under S. 66(7), which provides for an Appeal against "any order" under S. 66.

III

In these circumstances, when a clear provision of Appeal to the Director of Panchayats under S. 66(7) is provided for against the rejection of a Construction License under S. 66, there is no scope/option of filing an appeal under S. 201-A of the Panchayat Raj Act. The issue of the proceedings not being maintainable were raised before the Ld. B.D.O. However, this objection was rejected by the Ld. B.D.O, without any reasoning/justification. As the impugned order was pronounced wholly without jurisdiction, it is liable to be quashed and set

aside as being directly contrary to the scheme of the Goa Panchayat Raj Act, 1994,.

IV

In its submissions before the BDO, the Applicant had raised the issue that the VP had rightly rejected the C.L. as per the directives of the Technical Clearance of the TCP Dept., which require the V.P. to ensure infrastructure availability before the Construction License was granted. The Applicant had produced material to show that infrastructure such as water; garbage handling and power were not presently available; and such, that the construction of the Unity mall project in question could not be permitted.

V

In the impugned judgement, the Ld. BDO, while accepting that the Applicant's submission on infrastructure availability have some substance; has curiously and unlawfully taken the view that these concerns have to be dealt with by the G.T.D.C. before obtaining the occupancy certificate. Such reasoning is

directly contrary to the conditions of the Technical Clearance issued by the T.C.P. Dept. itself, which mandates that the infrastructure is available before a Construction License is issued.

VII

It is well settled by decisions of the Apex Court that any orders pronounced by an authority without jurisdiction are null and void. The Petitioner submits that the Ld. B.D.O. failed to consider, much less appreciate, the written submissions, oral arguments and documentary evidence placed on record by the Petitioner herein in Appeal No. 201(A)/11/2025-26, before pronouncing the Impugned Order.

VIII

The Petitioner submits that the conduct of the Ld. B.D.O throughout the proceedings was arbitrary, biased and unreasonable, inasmuch as adequate time and opportunity were not afforded to the Applicant herein to effectively present its case, and hearings were conducted at unreasonable and irregular hours.

IX

The speed and the rush at which the R.1 has been pressing for the matters to be heard and decided does not reflect the correct position of facts and the earlier lackadaisical approach of the R.1/GTDC. The Panchayat refused the application for license on 16th October 2025, but the GTDC waited for almost 15 days to file its appeal before the BDO. In such circumstances, the BDO was not justified in rushing through with its order. The Unity Mall (Goa unit) was approved by the Central Govt. in 2023, but the State Govt. obtained permissions for the same only in the time period of July – September 2025. Secondly, the Unity Mall is linked to commercial tourism promotion in Goa and was to be located at a popular tourism location, so that it would get customers and footfall. Putting it beside a highway serves no purpose, since the location is completely out of the tourism circuit.

X

The argument that this is a national project is not resisted. Only the location and timing of the implementation of the

project; and the manner in which proceedings have been pursued is objected to. The Unity Mall project ought to have been cleared with the Panchayat at its inception, giving due regard to the 73rd Constitutional Amendment. Merely claiming now that the project has all other clearances is not a sustainable argument when one considers that the Government of Goa was informed of the project by the central government in 2023. It should have approached the Panchayat at that stage itself. The Panchayat cannot be treated as a mere rubber stamping authority or a post office. It is a part of State, as defined under Article 12 of the Constitution. It is therefore entitled to an independent opinion, subject to the sentiments of the Gram Sabha when this is expressed. The only argument the Government today has is urgency. However, this does not reconcile with the fact that the Govt. obtained permissions for the project only in July-September 2025 ! The Panchayat cannot be forced to accommodate for any laxity on the part of the State government. Any project must fit in with the Village Development Plan (requirement of the Constitution) and RP 2021. As it stands, the project is antithetical to both.

XI

Further, the original proposal for the Unity Mall in Goa is tourism oriented. The present location is not suitable in any way for such a project with such an orientation. Both the demand and supply for the Mall at Chimbel are at the moment Nil. There are no artisans, nor are they any consumers. The project is therefore not feasible at the present location. It ought to be located in an area that has maximum tourism activity. The present location has zero such activity.

19. The applicant/petitioner has filed this present Revision under Section 201-A (2) of the Goa Panchayat Raj Act, 1994 in order to impugned and to quash and set aside the said Judgment & Order dated 28/11/2025 & 27/11/2025 pronounced by the Ld. Block Development officer of Tiswadi at Panaji, Goa.

20. The Applicant/Petitioner submits that the said Judgement and Orders are totally unjustified and unwarranted.

21. The Applicant/Petitioner states that they have made out a prima facie case for the stay of the operation of the Impugned Order dated 28/11/2025 & 27/11/2025 passed by the Ld. Block Development officer of Tiswadi at Panaji, Goa directing the VP Chimbel to issue a Construction Licence within 24 hours, and for the said order to be quashed and set aside on merits it being without jurisdiction, a non-reasoned order, without due application of mind; and without a correct consideration of the legal and factual issues raised in the matter.

22. That the present Revision will render infructuous if the impugned Judgment & order dated 28/11/2025 & 27/11/2025 are not stayed forthwith.

23. The impugned Judgment and Order is passed on 27/11/2025 and certified copy was made available on

28/11/2025 at 5.15 pm and hence the present Revision is filed well within the period prescribed under the Section 201-A (2) of the Goa Panchayat Raj Act, 1994.

24. The Applicant/Petitioner states that they have not received any caveat application.

25. The applicant/Petitioner states that this Hon'ble Authority has jurisdiction to try, entertain and decide the present Revision since the impugned Judgment & Order is passed by the Block Development Officer of Tiswadi at Panaji on the Appeal filed by the respondent No. 1 herein under Section 201-A of Goa Panchayat Raj Act, 1994.

26. The applicant/Petitioner states that they have not filed any other case challenging the said Judgment & Order impugning the said Judgment and Order, after the earlier W.P. No. 3112/2025[F] filed by the Petitioner was disposed as withdrawn.

27. The applicants/Petitioners' states that they have annexed necessary court fees to this Revision Petition.

28. The Applicant/Petitioner submits that on the aforesaid grounds and others which may be urged and canvassed at the time of hearing of the Revision deserves to be allowed.

PRAYERS

In the above facts and circumstances and in the interest of justice, it is humbly prayed that:

a. That records and proceedings from the office of the Ld. Block Development Office of Tiswadi at Panaji in Appeal No. 201(A)/11/2025-26 be called for;

b. that after examining the propriety and legality of the impugned Judgment and order in the said matter dated 28/11/2025 & 27/11/2025 of the Block Development Officer at Panaji be quashed and set aside;

c. that pending the hearing and final disposal of the Revision, the operation of the impugned Judgment & Order dated 28/11/2025 & 27/11/2025 of the Block Development Officer of Tiswadi at Panaji be stayed;

d. That an ex-parte order in terms of prayer clause (c) be granted.

e. for such other order/s as the circumstances of the present case may warrant.

Place: Panaji, Goa.

Date: 04/12/2025 Applicant/Petitioner

VERIFICATION

I, Mr. Govind Shirodkar, son of Late Mr. Tukaram Shirodkar, aged 62 years, Indian National, Chairperson of the Chimbel Biodiversity Management Committee, the Chairperson of the Lake Management Committee of Toyaar Lake, and the member of the Gram Sabha of the Village Panchayat of Chimbel, resident of H. No. 133, Gaulem Bhat, Chimbel, do hereby state and verify that the contents of paras _____ _____the present Revision Memo are true to my personal knowledge, belief and from records and that the contents of paragraph _____ _____ are legal submissions which are made based on legal advice which I believe to be true.

Solemnly verified at Panaji, Goa

on this 4th day of December, 2025. **AFFIANT**

Identified by me,

Adv. for the Applicant

AFFIDAVIT

I, Mr. Govind Shirodkar, son of Late Mr. Tukaram Shirodkar, aged 62 years, Indian National, Chairperson of the Chimbel Biodiversity Management Committee, the Chairperson of the Lake Management Committee of Toyaar Lake, and the member of the Gram Sabha of the Village Panchayat of Chimbel, resident of H. No. 133, Gaulem Bhat, Chimbel, do hereby solemnly affirm on oath that the contents of paras _____ _____ of the present Application /petitioner are true to my personal knowledge, belief and from records and that the contents of paragraph _____ _____ are legal submissions which are made based on legal advice which I believe to be true.

Solemnly verified at Panaji, Goa

on this 4th day of December, 2025. **AFFIANT**

Identified by me,

Adv. for the Applicant